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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 FEDERAL INSURANCE
11 COMPANY,

12 Plaintiff,

13 v.

14 HOLMES WEDDLE & BARCOTT
P.C., et al.,

15 Defendants.

CASE NO. C13-0926JLR

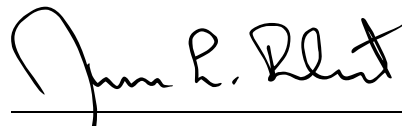
ORDER CLARIFYING
PREVIOUS ORDER AND
DENYING MOTION FOR
RECONSIDERATION

16 Before the court is Plaintiff Federal Insurance Company's ("Federal") motion for
17 reconsideration. (Mot. (Dkt. # 39).) In a prior order ruling on a motion to stay, the court
18 ordered summary judgment briefing on a narrow subclass of issues raised in Federal's
19 pending motion for summary judgment. (11/14/13 Order (Dkt. # 38).) Federal now asks
20 the court to clarify whether Federal may brief other issues raised in its summary
21 judgment motion as well, particularly its "Prior Proceeding Exclusion" issue. (Mot. at 3-
22 4.) The answer is no. The court's order clearly states which issues are to be briefed, the

1 implication being that the court does not expect to receive briefing on the other issues.
2 *Cf. Silvers v. Sony Pictures Ent., Inc.*, 402 F.3d 881, 885 (9th Cir. 2005) (explaining the
3 principle of *expressio unius est exclusio alterius* in the context of statutory construction).

4 Federal also asks the court to reconsider its prior ruling and allow briefing on the
5 “Prior Proceedings Exclusion” issue. Pursuant to Local Rule LCR 7(h)(1), motions for
6 reconsideration are disfavored, and the court ordinarily will deny such motions unless the
7 moving party shows (a) manifest error in the prior ruling or (b) new facts or legal
8 authority which could not have been brought to the attention of the court earlier with
9 reasonable diligence. *See* Local Rules W.D. Wash. LCR 7(h)(1). Federal has not
10 demonstrated manifest error in the court’s prior ruling. The court carefully considered
11 this issue in its previous ruling and concluded that forcing Defendant Holmes Weddle &
12 Barcott P.C. (“Holmes Weddle”) to respond to the “Prior Proceeding Exclusion” issue
13 had the potential to prejudice Holmes Weddle. (*See* 11/14/13 Order at 5-6.) Federal has
14 not made any argument or produced any authority that this conclusion was manifestly in
15 error. (*See* Mot.) Accordingly, the court DENIES Federal’s motion for reconsideration
16 (Dkt. # 39).

17 Dated this 20th day of November, 2013.

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21 JAMES L. ROBART
22 United States District Judge